

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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**DENNIS DIMON,**  
**Plaintiff**

**VS.**

**METROPOLITAN LIFE**  
**INSURANCE COMPANY and**  
**KEMPER INSURANCE COMPANY,**  
  
**Defendants.**

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**C. A. No: 05-11073 NG**

**ASSENTED-TO MOTION FOR 60 DAY TRIAL CONTINUANCE  
PENDING SETTLEMENT NEGOTIATIONS**

MetLife and Plaintiff respectfully seek a 60 day continuance of the trial currently scheduled for April 28, 2008 for the following reasons:

1. Settlement negotiations are active and ongoing;
2. Out of state witnesses are not available for trial on April 28, 2008;
3. Plaintiff's lead trial counsel recently completed the first half of his bi-lateral hip replacement and is undergoing continuing treatment;
4. All but one trial counsel has a conflict, and Ciapciak & Associates, P. C. has a prior issued trial order and thus a direct conflict (trial to commence April 28, 2008) in Bristol Superior Court;
5. MetLife and Plaintiff assent [Kemper does not oppose but does not object] to this motion; and
6. There currently exist outstanding motions about which more than one party seeks reconsideration on legal and factual issues, and which parties have moved (and intend to move) for additional briefing.

WHEREFORE, MetLife and Plaintiff seek to continue the trial date and to submit dates amenable to all parties, witnesses and the Court in late June for trial.

Respectfully submitted:

For the defendant,  
**Metropolitan Life Insurance Company, Inc.**

For the Plaintiff,

/s/ James J. Ciapciak  
James J. Ciapciak #552328  
Peter LeBlanc #645305  
Ciapciak & Associates  
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/s/ Brian Keane  
David B. Kaplan #258540  
Brian Keane #656717  
The Kaplan/Bond Group  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing document was served upon Counsel of Record on March 7, 2008

/s/ James J. Ciapciak  
James J. Ciapciak

**LOCAL RULE 7.1 CERTIFICATE OF CONSULTATION**

I hereby certify that on March 7, 2008, all counsel conferred with opposing counsel in an attempt to narrow the issues presented by this Motion. ALL COUNSEL ASSENT.

/s/ James J. Ciapciak  
James J. Ciapciak